

ZB# 71-1

Benjamin Blumfield

(no SBL given)

71-1
Benj Blumenfeld
of Knox Village
4/20/71

7-1
Ranj. Blum
do [unclear]
4/20/70
a. 004 m.
[unclear]



**State of New York
County of Orange, ss:**

Hugh V. Nocton , being duly sworn deposes and says that he isPrincipal Clerk..... of Newburgh-Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published
..... One Time.....
in said newspaper, commencing on the..... 5th.....day of
.....March.....A.D., 19 71 , and ending on
the 5th day of March..... A.D., 19 71

Subscribed and sworn to before me this
..... 8th..... day of..... March..... 19....71.

{ Hugh V. Nocton

Evelyn M. Cox

Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1971



PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
Town of New Windsor, New York will hold
a public hearing pursuant to Section 48-33A of the Zoning
Ordinance on the following proposition:

Appeal No. 71-1

Request of Knox Village Inc. for a
Variance Conditional Use Permit of the regulations of
the Zoning Ordinance, to permit R/C multi-family
(Describe proposal)
VSC, being

a Variance Conditional Use Permit of Article III,
Section 48-7, for property xxxxxxxxxxxxxx situated
as follows: Described on the New Windsor tax map as
Section 70, Block 1, Parcel 47, being lands lying on the
east side of Route 32 and running along the Town of New Windsor-
Town of Cornwall boundary which said lands are generally adjacent
to existing lands of Knox Village, Inc.

SAID HEARING will take place on the 15 of March, 1971,

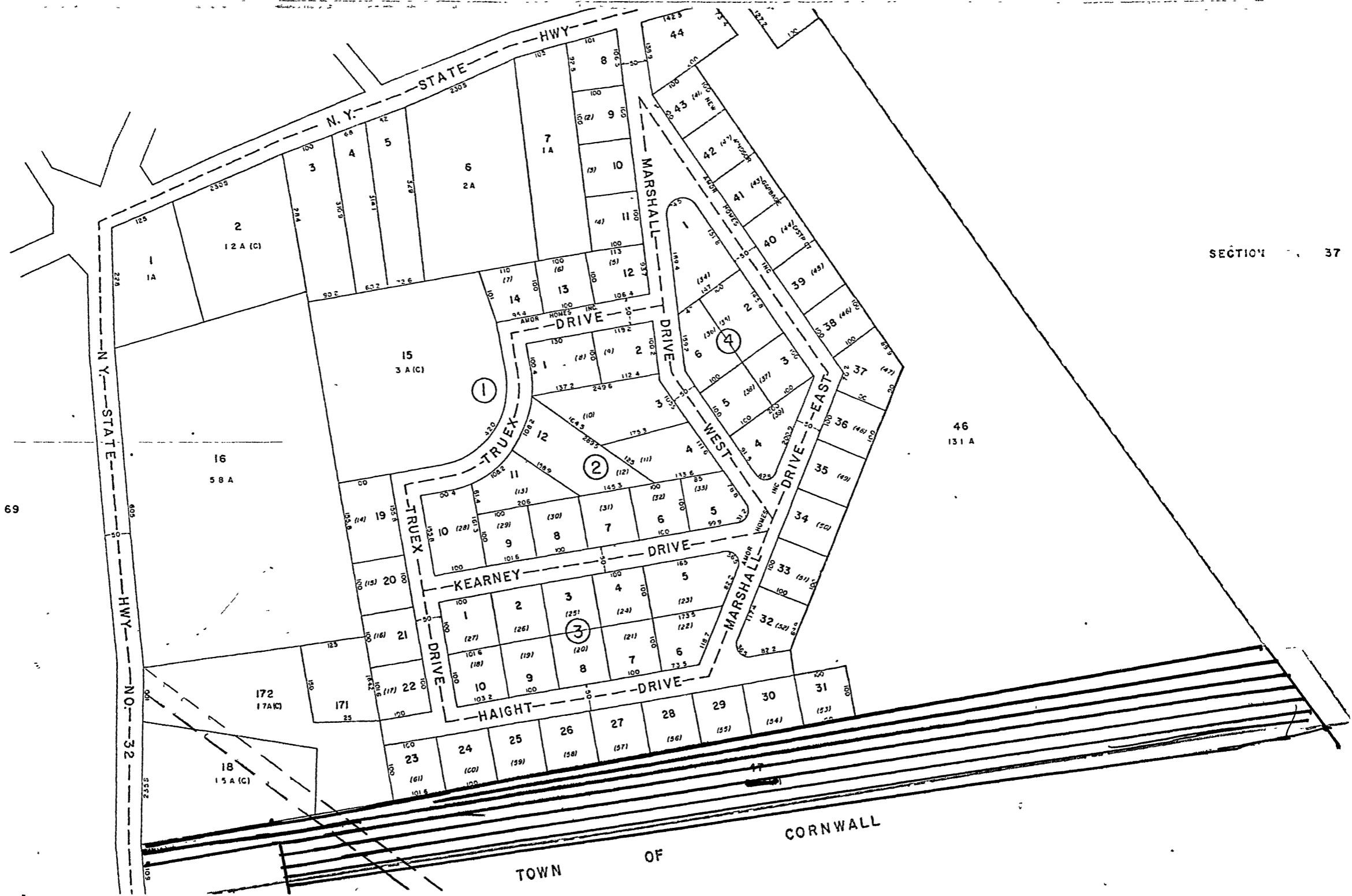
at the Town Hall, 555 Union Ave beginning at 5:00 o'clock P.M.

New Windsor, New York

Fred Wygant
Chairman

SECTION 69

SECTION . . . 37



Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 71-1

Date: Feb 1971

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (Mr.) BENJAMIN BLUMENFELD, Secretary Route 94,
(Street & number)
of KNOX VILLAGE, INC.

New Windsor

New York
(State)

HEREBY MAKE

APPLICATION FOR A VARIANCE:

A. LOCATION OF THE PROPERTY off Route 32, R.B.
(Street & number) (Use district on Zoning Map)

B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable by number. Do not quote the ordinance: Art. III Sec. 48-7)

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: This parcel of property is unique in that it is bordered by lands of the Town of Cornwall on one side and to a large measure by lands of Knox Village on the other. The lands of Knox Village have been and are in the process of being developed for multiple family use. This use was secured prior to the enactment of Zoning Ordinance on the land which is the subject of this application was zoned for single family use. Therefor the condition and circumstance which exist relating to this property are unique because the adjoining property has been developed in a pre-existing right.

2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: The owners of neighboring lands are substantially Knox Village Inc. and its a use by right because of a pre-existing condition. Because of the adjoining development the only reasonable use which can be made of this land is to complete the logical conclusion of the multiple family project continued on the adjoining acreage.

3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: The applicant took no action whatsoever in connection with this particular parcel of land.

**PREVIOUS
DOCUMENT
IN POOR
ORIGINAL
CONDITION**

4. Relief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The zoning ordinance of the Town of New Windsor provides for the reasonable and intelligent use of lands throughout the Town. By granting this variance the logical conclusion of an existing project may be reached. No strain will be placed upon any public facilities; the water and sewer is already into the property line.
5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: This property is unique and in no way similar to any other parcel of land because of its location on a town boundary and adjoining an existing project, thus the granting of the variance would not constitute a special privilege.

- D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

The property will be used to complete the existing Knox Village project in accordance with the present regulations of the Town of New Windsor subject to site plan review by the planning board. Since applicant must await action by this board there are no plans or sketches at this time other than the map accompanying this application.

- E. Application to be accompanied by a check, payable to the Town of New Windsor in the amount decided by the Board. Application to be returned to: Secretary of the Zoning Bd. of Appeals.

- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered mail to all abutting land owners as required by Section 9.4.1 of the Ordinance.

- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239m of the General Municipal Law to see if it applies. If so, notify the Orange County Planning Bd.

Dated: February 1, 1971

KNOX VILLAGE, INC.

BY:

John M. Murphy
Signature of Applicant

STATE OF NEW YORK
COUNTY OF ORANGE

ss

Sworn to on this 1 day of February 19 71 Route 94, New Windsor, NY

Address

561-2823

Telephone No.

Notary Public, State of New York
Residing in Orange County
My commission expires Mar. 30, 1971

DO NOT WRITE IN THIS SPACE

Application No. 71-1
Date of Hearing 3/15/71
Date of Decision 4/5/71

Date Received Feb. 19 71
Notice Published 3/5/71

DECISION: Variance denied.

Forge Hill Ed.
New Windsor, N.Y.
April 8, 1971

James R. Loeb, Esq.
178 Grand Street
Newburgh, N.Y. 12550

Re: Application No. 71-1
for Variance
Benjamin Blumenfeld

Dear Mr. Loeb:

Please be informed that at a recent meeting of the New Windsor Zoning Board of Appeals, it was the decision of the Board to deny the above variance.

As you requested, the secretary will furnish you with a copy of the transcripts of each meeting pertaining to your above application, upon approval of same at our next meeting.

Yours very truly,

Fred Wygant,
Chairman

/pd

cc: Howard Collett, Building Inspector
Theodore F. Marsden, Supervisor

RIDER, WEINER & LOEB
ATTORNEYS AND COUNSELLORS AT LAW

M J RIDER (1968-1968)
ELLIOTT M WEINER
JAMES R LOEB
DAVID L RIDER

POST OFFICE BOX 1268
178 GRAND STREET
NEWBURGH, NEW YORK 12550
(914) 562-8700

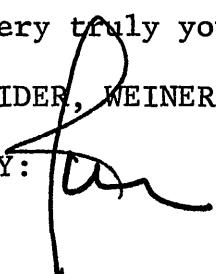
March 1, 1971

Mrs. Patricia Delio
7 Franklin Avenue
New Windsor, NY 12550

Re: Knox Village
Our File #7441

Dear Pat:

In accordance with our telephone conversation enclosed herein find notice of publication in connection with the above matter. I understand that you will take care of the publishing of this notice.

Very truly yours,
RIDER, WEINER & LOEB
BY: 

JRL/ag
encl.
notice

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

JAMES R. LOEB, being duly sworn, deposes and says:

1. That he makes this affidavit in connection with the application for a variance submitted to the Zoning Board of Appeals by Knox Village, Inc.
2. That deponent contacted the assessor's office in the Town of New Windsor and the assessor's office of the Town of Cornwall and following receipt from those offices of the list of property owners deponent caused to be mailed notice to all such property owners, as well as notice to the Town of Cornwall.

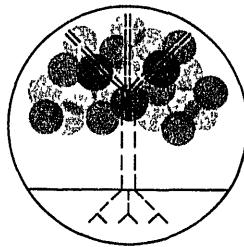
James R. Loeb

Sworn to before me this
11th day of March, 1971

Angeline Greco

ANGELINE GRECO
Notary Public, State of New York
Residing in Orange County
My commission expires Mar. 30, 1972

Department of Planning



Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner

The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

February 24, 1971

Mr. Fred Wygant, Jr., Chairman
New Windsor Zoning Board of Appeals
Forge Hill Road
Newburgh, New York 12550

Re: Use Variance - Knox
Village

Dear Mr. Wygant:

We have reviewed the application of Knox Village, Inc. for a use variance to develop property on Route 32 for garden apartments. The application has been reviewed according to Sections 239, L and M, Article 12-B of the General Municipal Law, and County approval is hereby granted.

The property in question lies between the existing Knox Village development and the Cornwall town line, in an RB area. Its exceptional depth and narrow width tend to impose on the property a limitation in the use of the land for an aesthetically pleasing single family development - the primary permitted RB use. Apartment units could tie into the existing adjacent development in terms of aesthetics, water and sewerage, recreation and vehicular and pedestrian circulation. The site lies in the highly developed Vails Gate area, and has good proximity to transportation routes and services, shopping areas, and employment centers.

Mr. Fred Wygant, Jr. -2-
Re: Use Variance - Knox Village

February 24, 1971

Our office is currently working on a land use study for this area of New Windsor. One of our recommendations will be to permit higher density uses (apartments) in and around those areas served by private and public utilities and facilities. The granting of a variance, or the rezoning of this property from RB to RC, would be compatible with our forthcoming recommendations for this area.

Very truly yours,



Peter Garrison
Commissioner of Planning

PG:mj

cc: T. Marsden
J. Tallarico
J. Loeb

3/15/71

Public Hearing - Application #71-1

Benj. Blumenfeld - Knox Village, Inc.

Spectators

Name	Address
John J. Bond	58 Haight DR
Mary A. Bond	58 Haight Drive
Anthony Biaggi	Box 283 Vail's Gate
Michael J. Liani	P.O.B. 231 Vail Gate (Hayloft)
Mr. & Mrs. Robert W. Poremba	23 Kearny Drive
Mr. & Mrs. Russell T. Feuerhan	Box 176, VAIL GATE, N.Y.
Victor Werner	Box 444 Vail's Gate
Joseph McCauley	60 Haight Dr.
Jerry Carizzo	Duckpond Restaurant
John A. Patterson	59 Haight St
Clara Patterson	59 Haight Drive
Arlyn Elling	8 TRUCK Drive
Raymond Vail	11 Marshall Dr. NW
Richard B. Graham	41 One Lane NW
Frank Branno	56 HAIGHT DRIVE
Robert Tammey	Jacqueline St. Cornwall NY
F. 1.710 9.71	7.1.8.7.11

3/15/71

Public Hearing - Application # 71-1

Benj. Blumenfeld - Knox Village, Inc.

Spectators

Name	Address
John J. Bond	58 Haight DR
Mary A. Bond	58 Haight Drive
Anthony DiMasi	Box 283 Vails Gate
Michael J. Shan	P.O.B 231 Vail Gate (Hastings)
Mr. & Mrs. Robert W. Porembski	23 Kearny Drive
Mr. & Mrs. Russell T. Feuerhan	Box 176, Vails Gate, N.Y.
Victor Werner	Box 444 Vails Gate
Joseph McCauley	60 Haight Dr.
Jerry Carozzo	Deaderick Rockaway
John A. Patterson	59 Haight Dr.
Clara Patterson	59 Haight Dr.
Arthur Elling	8 Trotter Drive
Raymond Vail	11 Marshall Dr. W.
Richard B. Graham	41 One Lane N.W.
Frank Bonanno	56 HAIGHT DRIVE
Robert Connally	Jacqueline St. Cornwall, N.Y.
Elizabeth J. Longmire	Jacqueline St. Cornwall, N.Y.
Albert L. Longmire	Jacqueline St. Cornwall, N.Y.
Ralph H. Brophy	Jacqueline St. Cornwall, N.Y.
Damele M. Brophy	Jacqueline St. Cornwall, N.Y.
Elizabeth N. McCullough	Po Box 292 (Jacqueline St.) Cornwall, N.Y.
Mrs. Louis Arsenault	15 Truxel Dr. Vails Gate, N.Y.

Lynn E. Cessnaull 15 True Dr. Vails Gate, N.Y.
Maxine Moody 18 True Dr Vails Gate, N.Y.
Geo Magan 14 " " " "
Henry A. Spencer 16 " " " "
R. A. Speer 16 " " " "
Margaret Villa 61 Faight Drive Vails Gate
Mary C. Spencer 16 True Drive, Vails Gate, N.Y.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5482

James R. Loeb, Esquire

RE: Knox Village Inc.
File #7441

The State of New York
c/o County Finance Officer
Goshen, New York

Anthony & Rose Mangini
319 58th Street
Brooklyn 20, New York

Michael J. & Carolyn Siano
Vails Gate, New York 12584

Anthony J. & Vincenz V. DiMiceli
P. O. Box 283
Vails Gate, New York

Frank, Mauro, Mascil, Nicola &
Marim Carioni
P. O. Box 4
Vails Gate, New York

Leo F. & Gladys V. Mageau
Truex Drive
Vails Gate, New York

Louis E. & Mary B. Arseneavalt
Truex Drive
Vails Gate, New York 12584

Henry A. & Mary C. Spencer
Vails Gate, New York 12584

John E. & Mary E. Kinsley
P. O. Box 183
Vails Gate, New York 12584

Frank J. & Margaret I. Villa
61 Haight Drive
Vails Gate, New York

Robert H. & Valerie R. Chevaleir
60 Haight Drive
Vails Gate, New York

Clara S. Patterson
59 Haight Dr.
Vails Gate, New York

John J. & Mary A. Bond
38 Schneider Avenue
Highland Falls, New York

George & Paraskevi Lenko
Vails Gate, New York 12584

Frank & Lucy Bonanno
Haight Drive
Vails Gate, New York 12584

Richard B. & Felicia G. Graham
55 Haight Drive
Vails Gate, New York 12584

Raymond H. & Elizabeth R. Vail
Vails Gate, New York

Richard M. & Miriam T. Duquense
31 Kearney Drive
Box 244
Vails Gate, New York 12584

Benjamin & Bella Harris
Route 9W
New Windsor, New York 12550

Thomas & Rosanne De Benedictus
Truex Drive
Vails Gate, New York 12584

Joseph R. and Dorothy M. DeFeo
Vails Gate, New York 12584

Jubilee Enterprises Co., Inc.
200 Route 9W
New Windsor, New York 12550

Robert W. & Bernadette M. Poremba
23 Kearney Drive
Vails Gate, New York 12584

Ann E. Barauskas
Vails Gate, New York 12584



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5482

James R. Loeb, Esquire
Sheet #2

RE: Knox Village Inc.
File #7441

Victor Weiner
19 Haight Drive & Quassaick Avenue
Vails Gate, New York 12584

Robert W. & Maxine P. Moody
Haight Drive
Vails Gate, New York 12584

Albert & William Pushman, Jr.
Route 32
Vails Gate, New York 12584

Albert & Josephine Pushman
Vails Gate, New York 12584

William J. & Marion L. Pushman
Route 32
Vails Gate, New York 12584

John & Louise Carione
Route 32
Vails Gate, New York 12584

Raymond G. & Jean M. Dahlin
Box 508
Vails Gate, New York 12584

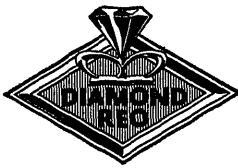
Mobil Oil Corporation
c/o C. M. Nelson
50 West 44th Street
New York, New York 10036

Respectfully submitted,

Ellsworth E. Weyant
ELLSWORTH E. WEYANT, Chairman
Board of Assessors
Town of New Windsor

EEW:pt

SALES AND SERVICE



TEMPLE HILL GARAGE

PHONE 561-1955

ROUTE 32

VAILS GATE, N. Y. 12584

March 15, 1971

New Windsor Zoning Board of Appeals

Dear Sir:

We are not against multifamily use of lands lying on the east side of Route 32 and adjacent to existing lands of Knox Village Inc.

However, we do want to go down on record, that we have been in our present type of business since 1945 and have plans to expand. Our business is a garage on Route 32, Vails Gate. We service and sell heavy duty trucks. They make a great deal of noise, at times.

In the future we do not want any complaints from the apartment tenants as to the amount of trucks, used or new, or the noise they make on our land.

Respectfully,

Albert Pushman Sr.
Albert E. Pushman Sr.

Josephine Pushman
Josephine Pushman

William J. Pushman
William J. Pushman

Marion L. Pushman
Marion L. Pushman

"SUBDIVISION A"

Map of Portion of The LANDS OF

Catherine Kovarovic, Morton Haber, Nat Legman ^{and} Herman Knoller (as per deed)

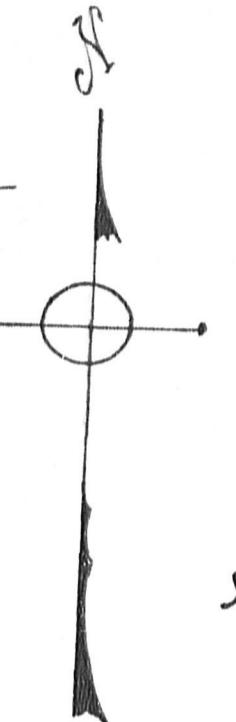
Located at Yards Gate, Town of New Windsor

Orange County - N.Y.

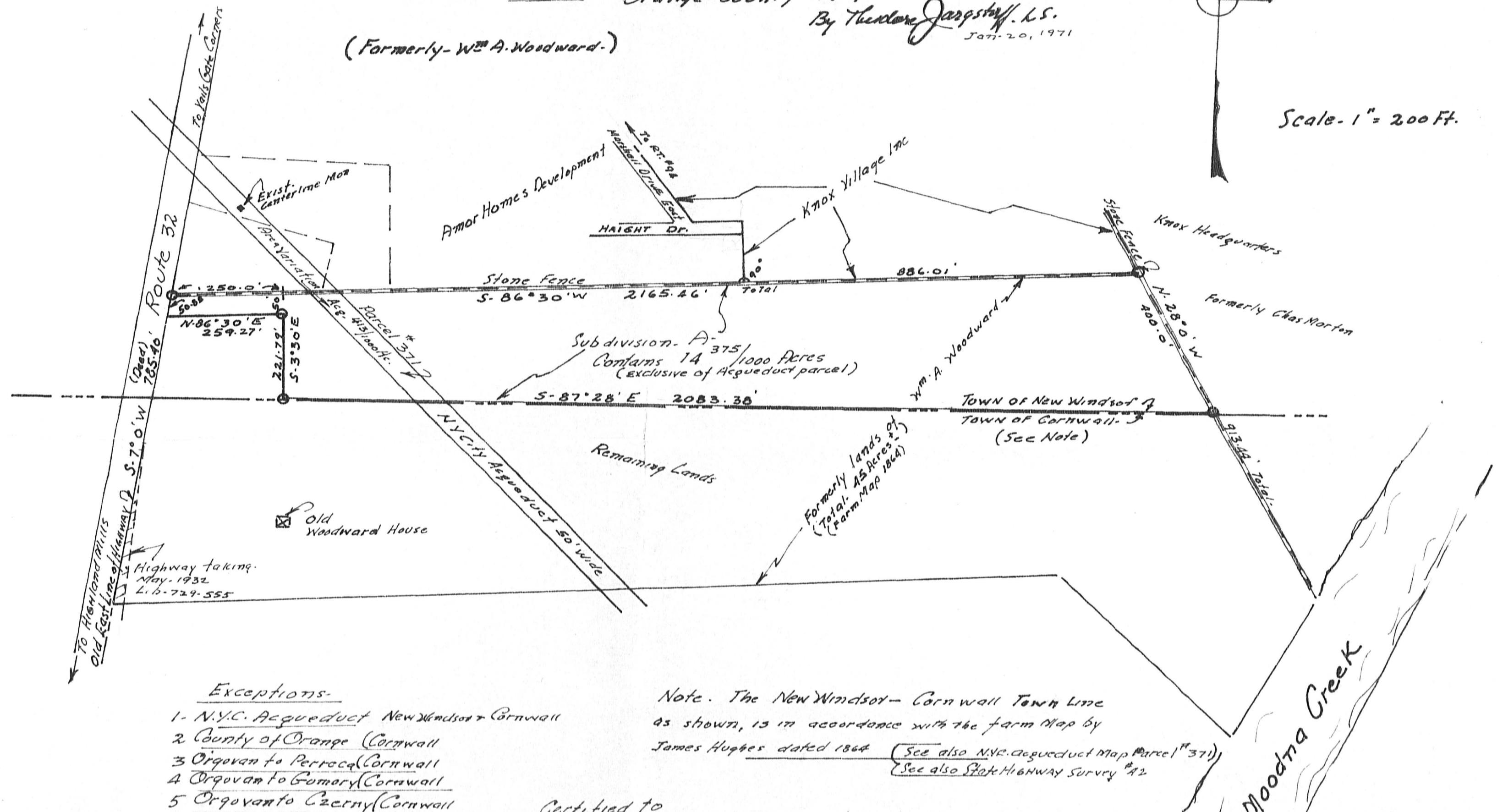
By Theodore Jargstoff, L.S.

Jan. 20, 1971

(Formerly - Wm A. Woodward.)



Scale - 1" = 200 Ft.



Note. The New Windsor - Cornwall Town Line
as shown, is in accordance with the farm Map by
James Hughes dated 1864 (See also N.Y.C. Aqueduct Map Parcel #371)
(See also State Highway Survey #42)

Certified to

That this is a true and accurate Survey of The northerly
part of the lands of Catherine Kovarovic, Morton Haber,
Nat Legman and Herman Knoller as per deed Liber 1744 CP 784
formerly known as The Woodward Place, which said part is
located within The Town of New Windsor, as per town line
note above and that The said survey is in accordance with
The land description and exceptions specifically set forth
in an agreement between The said parties and Ben Blumenfeld
dated Oct 13, 1970 and that there are no visible encroachments.

Survey Completed